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May 17, 2023

By ECF

Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Trustees of the New York Hotel Trades Council and Hotel Association of New York City, Inc. Pension Fund (the "Pension Fund") v. RHC Operating, LLC, *et al.* S.D.N.Y. No. 1:21-cv-09538-LGS
PROPOSED ORDER OF DISCONTINUANCE

Dear Judge Schofield:

As you know, this office represents the Pension Fund in this action. We write, with Defendants' consent, to inform you that the parties have resolved this action and to submit the Proposed Order of Discontinuance for your approval.

Your Honor may recall that the parties filed a joint status letter and request for a stay of discovery deadlines on April 14, 2023 so that they could focus on facilitating their talks with the City of New York to reopen the Roosevelt Hotel for migrant families. The parties noted that this development might negate the withdrawal liability of Defendants at this time and propel a global settlement of their issues. The Court graciously granted the parties' request in substantial part by Order dated April 24, 2023.

I am pleased to report that the parties' efforts have come to fruition and, as part of their global settlement, the Hotel will reopen in stages to accommodate migrant families seeking shelter in New York City. The Pension Fund believes this development obviates the 2020 closure and consequently this action for withdrawal liability based on a 2020 withdrawal. Accordingly, the Pension Fund seeks to discontinue this action with prejudice as set forth in the accompanying

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Proposed Order pursuant to Federal Rule of Civil Procedure 41(a)(2). Defendants concur and consent. We jointly ask the Court to “so order” the Proposed Order for a happy ending to this extraordinary litigation.¹

The parties and counsel thank the Court for its efforts, and patience, in this matter.

Respectfully,

s/

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¹ The related action before Your Honor, *RHC Operating LLC v. New York Hotel And Motel Trades Council, AFL-CIO*, No. 23-cv-01066-LGS, will be withdrawn by RHC as part of the parties’ global resolution after the underlying arbitration proceeding is immediately withdrawn, obviating the need for a decision in that action.